

REMARKS

The application, having been granted a priority date under 35 U.S.C. §119 of 12 May 2000 derived from France patent application 00480043.9, was filed in the United States on 24 April 2001 with ten claims. In the first Examiner's Office Action mailed 02 January 2004, the Examiner objected to the abstract, rejected claims 1-10 and claims 4-5 under 35 U.S.C. §112, second paragraph, and rejected claims 1-10 as being unpatentable under 35 U.S.C. §103(a) over U.S. Patent 5,920,316 entitled TASKBAR WITH START MENU to Oran et al. (Oran '316) in view of U.S. Patent No. 5,515,496 entitled COMPUTER SYSTEM WITH DIRECT MANIPULATION INTERFACE AND METHOD OF OPERATION SAME to Kaehler et al. (Kaehler '496). In response, Applicant amended the specification and the claims and added new claims 11-20.

The Examiner responded on 02 July 2004 with a final rejection of the claims. The Examiner rejected claims 1-10 under 35 U.S.C. §112, first ¶, asserting that the claim language "each focus buoy [is] not visible when its respective window is not visible." does not comply with the written description requirement. The Examiner also rejected claim 11 under 35 U.S.C. §112, second ¶, saying there was insufficient antecedent basis for the limitation "focus buoy." The Examiner also finally rejected claims 1, 2, 4-9 and 16-20 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,939,507 entitled VIRTUAL AND EMULATED OBJECTS FOR USE IN THE USER INTERFACE OF A DISPLAY SCREEN OF A DISPLAY PROCESSOR to Beard et al. (Beard '507) in view of Kaehler '496 in further view of U.S. Patent No. 4,868,765 entitled PORTHOLE WINDOW SYSTEM FOR COMPUTER DISPLAYS to Diefendorff (Diefendorff '765). The Examiner further issued a final rejection of claims 3 and 10 under 35 U.S.C. §103(a) as being unpatentable under Beard '507, Kaehler '496,

Diefendorff '765 in view of Oran '316; claims 11 and 13 under §103(a) over Beard '507 in view of Diefendorff '765, claims 12 and 15 under §103(a) over Beard '507 in view of Diefendorff '765 in further view of Kaehler '496; and claim 14 under §103(a) over Beard '507. Diefendorff '765, Kaehler '496 and Oran '316. In response, Applicant amended claims 1, 11-15. Claims 1-20 are pending in the application.

The Rejection under 35 U.S.C. §112, first paragraph

The Examiner rejected claims 1-10 under 35 U.S.C. §112, first paragraph stating that the limitation to claim that "each focus buoy is not visible when its respective window is not visible" is not shown by Figures 2B and 2C because all of the windows in Figures 2B and 2C are visible. To overcome the rejection, Applicant has amended the claim to remove the objectionable language. In amending the claim, Applicant overcomes the rejection of claims 1-10 under 35 U.S.C. §112, first paragraph and places the claims in condition for allowance and/or better condition for appeal. Applicant requests the Examiner to enter the amendment.

The Rejection under 35 U.S.C. §112, second paragraph

The Examiner rejected claim 11 under 35 U.S.C. §112, second paragraph stating that the term "focus buoy" lacked antecedent basis. In response, Applicant amends the claim and dependent claims to provide sufficient antecedent basis by distinguishing between "a/the first focus buoy" and "a/the subsequent focus buoy." By amending the claim, Applicant overcomes the rejection of claim 11 under 35 U.S.C. §112, second paragraph and places claims 11-15 in condition for allowance and/or better condition for appeal. Applicant requests the Examiner to enter the amendment

The Rejection of claims 1, 2, 4-9 and 16-20 under 35 U.S.C. §103(a)

The Examiner rejected claims 1, 2, 4-9 and 16-20 as being obvious over Beard '507 in view of Kaehler '496 and Diefenorff '765. Beard '507 teaches a desktop wherein when an icon is invoked, i.e., clicked using a mouse, a window is opened on the desktop showing the contents of the application pertaining to the icon. The Examiner states that the focus buoy is the icon which encapsulates a "little window" that contains the name of the window/file. Kaehler '496 teaches a method to change affordances of an icon by an edit-and-use mode. An affordance is a special place or indicator displayed on or adjacent a button by which to modify the function of the button, Kaehler '496 at column 3, lines 2-5. Kaehler '496 further teaches that the edit-and-use mode uses a select box associated with an icon. When the select box is selected, edit handles, each of which modify the object, can be made to appear by gesturing the mouse, i.e., by wiggling the mouse on/near the select box of an object. By wiggling the mouse and then selecting a particular edit handle, the object can be modified in accordance with the selected edit handle. Diefendorff '765 teaches a porthole window system wherein a porthole to a hidden window appears on the top window; the porthole showing the contents of the hidden window.

First, the Examiner refers to Figure 5, Element 55. Respectfully, Attorney for Applicant has reviewed Beard '507 and cannot find an element 55 in any of the figures. Lest Applicant misinterpret the Examiner's intentions, Attorney for Applicant is reluctant to ascertain to particular element the Examiner is referring, and respectfully requests clarification.

Secondly, Applicant has amended the claim to specifically point out and distinctly claim that the claimed "focus buoy is open when the application is open." In amending the claim, Applicant has not added new matter; support for the amendment is given in the originally filed specification on page 4, lines 6-7, lines 12-13 which state, "a screen on which can be displayed a plurality of windows corresponding to the applications programs being executed at the same timeEach

time a window is displayed on scree, a focus buoy is also displayed” Thus, an application must be open or executing whenever a window is displayed and each time a window is displayed, a focus buoy is also displayed.

First and foremost, Applicant wishes to distinguish the claimed focus buoy from an icon on a desktop, as taught by Beard ‘507, and as asserted by the Examiner on page 4 of the final rejection: “[t]he focus buoy is the icon which encapsulates a ‘little window’ that contains the name of the window/file” Applicant respectfully asserts that not only is the icon of Beard ‘507 not the claimed “focus buoy [that is] displayed ... only when its respective application is open”; but neither does Beard 507’s combination with Kaehler ‘496 or Diefendorff ‘765 teach a focus buoy that is displayed only when its application is open. Contrary to the claimed language, in Beard ‘507, although the icon is still displayed, the window is not displayed when the application pertaining to the window is not open. In contrast, moreover, Diefendorff ‘765 teaches that although the application may still be open, the porthole to an underlying window is closed: “the porthole is automatically closed when the source window is deselected. This means that if some third window (not shown) is brought to the top of the stack and used for some period of time, the porthole window is not longer available when the source window is again selected.” Diefendorff ‘765 at column 5, line 66 through column 6, line 4 (emphasis added). Thus, the porthole, analogous to the focus buoy, would not be displayed even though the application associated with the source window is open. Similarly, Kaehler ‘496, shows icons even though the applications associated with the icons may not be executing.

The Examiner further asserts on page 5 of the Final Office Action that “[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to use Kaehler’s teaching (wiggling the mouse) and modify Beard, to include an option wherein the user has to wiggle the mouse to instigate an action of displaying all the buoys, or icons, or order to give the user the ability to see all the open windows without having to click any of the mouse buttons and for easier and

quicker selection.” Respectfully, Applicant submit the Examiner has failed to present a *prima facie* case of obviousness because there is no need or suggestion to modify Beard ‘507 with the teachings of Kaehler ‘496. All the icons on Beard ‘507’s desktop are visible, the icons of Beard ‘507 never disappear - so, quite simply, why would one of skill in the art be motivated to wiggle a mouse to make them reappear?

With regard to claims 2-9, it is moot whether Beard ‘507 has a table for the displayed windows or contains a message box, otherwise known as a little window, or how a user wiggles or shakes the mouse to make the icons appear or disappear because the icons of Beard ‘507 are readily visible all the time regardless of whether the window pertaining to the icon is on top or below a the stack of windows. The icons of Beard ‘507 are also visible whether the window and/or corresponding application is open and/or executing. The icons of Beard ‘507 appear all the time - so there is no need to wiggle, shake, look at a message box, or read a table to find the icon - it is readily visible. Changing the focus as asserted by the Examiner, referring to Beard ‘507 at column 3, lines 14-21 wherein the “user interface on the display screen includes metaphoric symbols with which the user can interact with by using the input means to selectively change the focus of the input means to a designated symbol visually pointed to via the input means to thereafter permit manipulation of the designated symbol or interaction with data input/output relative to the designated symbol” teaches only that a user may open or close a window, or input/output data from a window by clicking on the icon pertaining to that window. Still, the icons are visible all the time irrespective of whether the window and/or application is open.

Addressing the rejection of claims 16-20, Applicant traverses because Beard ‘507 does not teach element (c) “creating at least two focus buoys on the display subsystem” nor element (e) of claim 16, “layering the at least two windows so that the underlying windows and the respective focus buoys are partially or completely not visible to a user” The icons of Beard ‘507 in Figure 5 are created and are

visible irrespective of whether an application is open (element (a) of claim 16). As discussed above, there is no reason to apply Kaehler '496's teaching of shaking a mouse to change affordances or characteristics of the "little window" to Beard '507 because the icons of Beard '507 are always visible. In a similar thought, there is no reason to apply Diefendorff '765 portholes to stacked windows to Beard '507 because the icons of Beard '507 are still visible no matter how matter windows are stacked. One simply clicks on a different icon that is always visible in order to change the focus to a hidden window.

Respectfully, Applicant request the Examiner to enter the amendment to independent claim 1 and to allow claims 1-2, 4-9, and 16-20 because neither Kaehler '496 nor Deifendorff '765, alone or in combination, provide the teachings to Beard '507 to create a focus buoy and display it only when its respective application is open.

The Rejection of claims 3 and 10 under 35 U.S.C. §103(a)

The Examiner rejected claims 3 and 10 under 35 U.S.C. §103(a) under Beard '507 (windowing system with icons), Kaehler '496 (shaking a mouse), Diefendorff '765 (portholes on stacking windows) and Oran '316. Claim 3 addresses alternative locations of the focus buoy if the focus buoys are layered on top of each; and claim 10 teaches that when the mouse is shaken, the windows disappear and only the focus buoys appear. Oran '316 teaches the Microsoft taskbar with which we are familiar; the taskbar includes visual indicators for each application that has an active window. By clicking on one of the visual indicators, a user invokes a pullup/pulldown context menu for the particular application from which to choose several options, such as to "close," "minimize," or "maximize" the application and/or window. Oran '316 teaches that open applications are represented by visual indicators on the taskbar. In Oran '316, the taskbar serves as a centralized location for identifying all of the active tasks within the system, *see* Oran '316 at column 6, lines 20-22. Thus, the visual indicators are always located on the taskbar and the

taskbar is always anchored at a fixed location on the user interface, *see* Oran '316 at column 5, lines 10-11. Beard '507 teaches a split desktop wherein a portion of the desktop has numerous icons pertaining to features, including applications, of a computer system.

Applicant respectfully traverses because the Examiner fails to present *prima facie* obviousness. Applying the elements of claim 3 to Beard '507, Applicant asserts that one of skill in the art would not be motivated to provide an alternative location for the icons because the icons of Beard '507 are always visible. More importantly, however, one of skill in the art would not be motivated to modify Beard '507 because Beard '507 does not teach the claimed focus buoy. Applicant already asserts that a focus buoy is not the same as an icon. The icons are always visible no matter if an association application is open and no matter how many windows are stacked. There is no need to apply Kaehler '496 with Beard '507, i.e., to shake a mouse to make an icon appear because the icon is visible already. There is no need to apply Diefendorff '765 to Beard '507 because the icons of Beard '507 are visible even if multiple windows are stacked, and because the portholes of Diefendorff '765 are always visible and/or are closed automatically even if the application is still open. There is no reason to apply Oran '316 to Beard '507 because the icons of Beard '507 don't need alternative locations, they are always visible on the desktop. Further, in contrast to both Oran '316 and Beard '507 and Kaehler '496, Applicant's focus buoys are located on or besides its associated window that is open; thus there may be multiple focus buoys located all over the display, *see, e.g.*, Figure 2D of Applicant's application. This fixed positioning of the icons at taskbar (Oran '316) and outside the window of an open application (Beard '507) are not compatible with the alternative memory locations as in claim 3. In addition, the features of the Beard '507 and the Oran '316 references are inconsistent with the layering of windows having portholes of Diefendorff '765 and with shaking an input device to make the portholes appear as in Kaehler '496. Respectfully, Applicant requests the Examiner

to withdraw the rejection of claim 3 because none of the references teach, “a focus buoy being displayed only when its respective application is open.”

With respect to claim 10, none of the references suggest that merely shaking a mouse can make the windows pertaining to open applications disappear but leave their focus buoys displayed. Yes, Oran ‘316 states that a context menu may have a menu option to “Minimize All Windows” option [that] minimizes all currently open windows so that they appear as taskbar buttons on the taskbar.” But, a context menu to minimize all windows has to be purposefully opened using conventional techniques; this cannot be accomplished by merely shaking or wiggling a mouse to determine which applications are opened. Quite frankly, if one of skill in the art wanted to see which applications are open in a stacked window system (a purpose of Applicant’s claimed invention), she/he would not be inclined to remove the stacked window system and put the open applications as icons in a taskbar.

The Rejection of claims 11 and 13 under 35 U.S.C. §103(a)

The Examiner rejected claims 11 and 13 under 35 U.S.C. §103(a) under Beard ‘507 (windowing system with icons), Kaehler ‘496 (shaking a mouse), and Diefendorff ‘765 (portholes on stacking windows). Claim 11 is an independent claim and claim 13 is a dependent claim whereby a first focus buoy can be displayed even when the first application and the first focus buoy is overlaid with a subsequent window and a subsequent focus buoy. As discussed above, the icons of Beard ‘507 and the portholes of Diefendorff ‘765 are always apparent; regardless of how many windows or applications are open, the icons and portholes pertaining to an earlier opened application do not disappear from the display. So, shaking a mouse as in Kaehler ‘496 does not make the icons disappear or appear; there is no motivation for the alleged combination. Applicant respectfully requests the Examiner to withdraw the rejection.

The Rejection of claims 12 and 15 under 35 U.S.C. §103(a)

The Examiner rejected claims 12 and 15 under 35 U.S.C. §103(a) under Beard '507 (windowing system with icons), Kaehler '496 (shaking a mouse), Diefendorff '765 (portholes on stacking windows), and Oran '316 (opening context windows to change the appearance of the desktop). Claims 12 and 15 are dependent upon claim 11. Applicant asserts that the combination of Beard '507, Kaehler '496, and Oran '316 do not teach the creation of a focus buoy when an application is opened, and that Diefendorff '765 does not provide the teaching for the focus buoys of the underlying windows to appear and disappear. The portholes of Diefendorff '765 are always open, except that after a time or when the application is closed, the porthole is closed but cannot be made to reappear merely by wiggling a mouse. With Diefendorff '765, an application can be open, but the porthole can be closed, contrary to Applicant's claimed invention of "making the first focus buoy ... not visible" even though the application is open.

The Rejection of claim 14 under 35 U.S.C. §103(a)

The Examiner rejected claim 14 under 35 U.S.C. §103(a) under Beard '507 (windowing system with icons), Kaehler '496 (shaking a mouse), and Diefendorff '765 (portholes on stacking windows). Claim 14 is dependent upon claim 11, as discussed above. Either the icons are visible all the time as in Beard '507 or in Kaehler '496, or the porthole is visible regardless of how many windows overlie the application pertaining to the porthole as in Diefendorff '765.

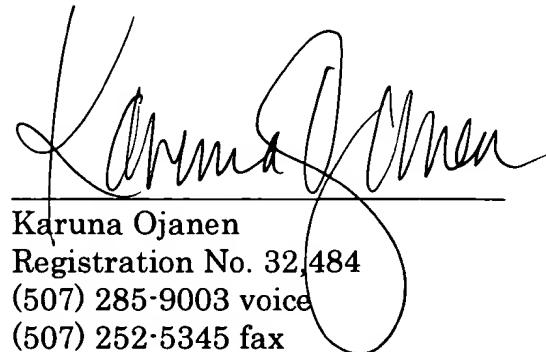
Respectfully, the combination of Beard '507, Kaehler '496, Diefendorff '765 with or without Oran '316 does not render Applicant's claimed invention as obvious under 35 U.S.C. §103(a) because, first, the icons of Beard '507 and Kaehler '496 and Oran '316 are always visible. And, second, the portholes of Diefendorff '765 do not disappear regardless of how many applications and windows are open. Hence, the Examiner fails to present a *prima facie* case of obviousness.

Conclusion

Applicant has amended claim 1 to remove the offending language "each focus buoy not visible when its respective window is not visible" thereby removing the objection to claims 1-10 under 35 U.S.C. §112, first paragraph. Applicant has amended claim 11-15 to provide sufficient antecedent basis and thereby overcomes the rejection of claim 11 under 35 U.S.C. §112, second paragraph. Applicant has amended claim 1 to particularly point out and distinctly claim that the focus buoy is displayed only when its respective application is open; thereby distinguishing itself from the Beard '507, Kaehler '496, and Oran '316 in which the icons are always visible. Applicant, moreover, distinguishes between the claimed focus buoy and an icon of the references. Applicant continues to traverse the rejection of independent claims 11 and 16 because no reference teaches opening an application, creating a focus buoy, and then overlying the focus buoy with a subsequent window.

Applicant requests the Examiner to enter the amendments because they put the application in condition for allowance and/or in better condition for appeal. The Examiner is respectfully invited to telephone the Attorney listed below if he thinks it would expedite the prosecution and the issuance of the patent.

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Date: 02 September 2004

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